

WA 19/2007

BEFORE

HON'BLE MR JUSTICE D BISWAS, CHIEF JUSTICE (ACTING)

HON'BLE MR JUSTICE HRISHIKESH ROY

Heard Mr. D.Barkakati, the learned counsel for the appellant. Also heard Mr. GN Sahewala, the learned senior counsel appearing for the respondent No.6. Mr. I. C houdhury, the learned counsel appears for the Govt. respondents.

In this appeal, the judgment and order of the learned Single Judge dated 15.12.2006 in W.P.(C) No.5250 of 2006 is assailed.

The present appellant as writ petitioner filed a writ petition challenging notification dated 11.10.2006, whereby the transfer order issued vide notification dated 21.9.2006, transferring the appellant to Dispur was cancelled. The contention raised by the appellant is that the said cancellation order was passed without consideration of public interest and without following the norms prescribed in office memorandum dated 19.9.1992.

It appears from the impugned order passed by the learned Single Judge that at the Govt. records pertaining to the

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transfer of the appellant were examined and the records revealed that the appellant had been continuously posted in Guwahati during 1996 to 2006, except a gap of eight months during the said period. On the basis of such facts, which were brought to the notice of the concerned authorities as well as the Chief Minister, who is supposed to approve transfer when transfer orders are issued before completion of the normal tenure of three years, the order of cancellation of transfer was issued. The said order was passed in terms of the memorandum dated 19.9.1992 as administrative approval of the Chief Minister was taken prior to issuance of the said order. On the basis of such finding, the learned Single Judge declined to entertain the writ petition and accordingly, the writ petition was dismissed.

We have considered the arguments advanced by the learned counsels for the parties. In matters of transfer, Court's interference is not called for unless there is infraction of statutory norms or when transfer orders are passed for extraneous considerations.

In the instant case, the impugned order was passed after taking note of

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relevant materials and approval of the Chief Minister was also taken as per the requirement of the memorandum dated 19.9.1992.

Having noted the arguments as well as the reasoning given for dismissal of the writ petition, we feel that no interference is called for with the judgment passed by the learned Single Judge.

Accordingly, the writ appeal is dismissed. No cost.